

Freedman's Bureau

Major General Rufus Saxton, Excerpt from testimony before Congress's Joint Committee on Reconstruction in 1866: http://www.digitalhistory.uh.edu/black_voices/voices_display.cfm?id=81

Major General Rufus Saxton was formerly commander of the Union forces that occupied Georgia's Sea Islands. After the war he was appointed to the post of Freedmen's Bureau's assistant commissioner for Florida, Georgia, and South Carolina.

[Question] What is [the freedmen's] disposition in regard to purchasing land, and what is the disposition of the landowners in reference to selling land to Negroes?

[Answer] The object which the freedman has most at heart is the purchase of land. They all desire to get small homesteads and to locate themselves upon them, and there is scarcely any sacrifice too great for them to make to accomplish this object. I believe it is the policy of the majority of the farm owners to prevent Negroes from becoming landholders. They desire to keep the Negroes landless, and as nearly in

a condition of slavery as it is possible for them to do. I think that the former slaveholders know really less about the freedmen than any other class of people. The system of slavery has been one of concealment on the part of the Negro of all his feelings and impulses; and that feeling of concealment is so ingrained with the very constitution of the Negro that he deceives his former master on almost every point. The freedman has no faith in his former master, nor has his former owner any faith in the capacity of the freedman. A mutual distrust exists between them. But the freedman is ready and willing to contract to work for any northern man. One man from the North, a man of capital, who employed large numbers of freedmen, and paid them regularly, told me, as others have, that he desired no better laborers; that he considered them fully as easy to manage as Irish laborers. That was my own experience in employing several thousands of them in cultivating the soil. I have also had considerable experience in employing white labor, having, as quartermaster, frequently had large numbers of laborers under my control.

[Question] If the Negro is put in possession of all his rights as a man, do you apprehend any danger of insurrection among them?

[Answer] I do not; and I think that is the only thing which will prevent difficulty. I think if the Negro is put in possession of all his rights as a citizen and as a man, he will be peaceful, orderly, and self-sustaining as any other man or class of men, and that he will rapidly advance....

[Question] It has been suggested that, if the Negro is allowed to vote, he will be likely to vote on the side of his former master, and be inveigled in the support of a policy hostile to the government of the United States; do you share in that apprehension?

[Answer] I have positive information from Negroes, from the most intelligent freedmen in those States, those who are leaders among them, that they are thoroughly loyal, and know their friends, and they will never be found voting on the side of oppression....I think it vital to the safety and prosperity of the two races in the south that the Negro should immediately be put in possession of all his rights as a man; and that the word "color" should be left out of all laws, constitutions, and regulations for the people; I think it vital to the safety of the Union that this should be done.

Source: Report of the Joint Committee on Reconstruction (Washington, 1866)

Col. Samuel Thomas, a Freedmen's Bureau official, describes the attitude of ex-Confederates toward the former slaves, 1865: http://www.digitalhistory.uh.edu/black_voices/voices_display.cfm?id=82

Wherever I go -- the street, the shop, the house, or the steamboat -- I hear the people talk in such a way as to indicate that they are yet unable to conceive of the Negro as possessing any rights at all. Men who are honorable in their dealings with their white neighbors will cheat a Negro without feeling a single twinge of their honor. To kill a Negro they do not deem murder; to debauch a Negro woman they do not think fornication; to take the property away from a Negro they do not consider robbery. The people boast that when they get freedmen affairs in their own hands, to use their own classic expression, "the niggers will catch hell."

The reason of all this is simple and manifest. The whites esteem the blacks their property by natural right, and however much they may admit that the individual relations of masters and slaves have been destroyed by the war and the President's emancipation proclamation, they still have an ingrained feeling

that the blacks at large belong to the whites at large, and whenever opportunity serves they treat the colored people just as their profit, caprice or passion may dictate.

Source: Col. Samuel Thomas, Assistant Commissioner, Bureau of Refugees, Freedmen and Abandoned Lands in 39 Cong., 1 Sess., Senate Exec. Doc. 2 (1865).

Black Freedman

All over the South, black families charted their own course. They elected to take in orphans, to pool resources with neighbors, and to arrange for mothers to stay home with their children. These choices challenged the power of former slaveholders and the influence of Freedmen's Bureau agents and northern missionaries and teachers. At the same time, in seeking to attend to their families and to provide for themselves, southern blacks resembled members of other mid-nineteenth-century laboring classes who valued family ties over the demands of employers and landlords.

Tangible signs of the new emerging black communities infuriated southern whites. [Many thousands of black veterans joined local branches of the Grand Army of the Republic in the South.] A schoolhouse run by blacks proved threatening in a society where most white children had little opportunity to receive an education. Black communities were also quick to form their own churches, rather than continue to occupy an inferior place in white churches.

Oliver O. Howard (1830-1909)

Howard was the Civil War general who became head of the Freedmen's Bureau during Reconstruction. In the Battle of Fair Oaks, Howard lost his right arm. His Civil War record was somewhat mixed: he bungled several operations and once refused to obey an order from General Hooker. Considered a "Christian officer," he was shocked by the destruction inflicted on Georgia by Sherman's army, even though he justified it as militarily necessary. After leaving the Freedmen's Bureau, he founded Howard University in Washington, D.C., and served as its president from 1869 to 1874. He caused a split in his church in Washington by demanding the admission of black members. Howard later returned to active military duty and commanded the 1877 expedition against the Nez Percé Indians in the West. He wrote frequently for newspapers and magazines and was a popular lecturer.

Quote: "A brief experience showed us that the Negro people were capable of education, with no limit that men could set on their capacity. What white men could learn or had learned, they, or some of them, could learn." (Autobiography, 1907)

REFERENCE: William S. McFeely, *Yankee Stepfather: General O. O. Howard and the Freedmen* (1968).

In South Carolina, Mississippi and Louisiana, the proportion of Negroes was so large, their leaders of sufficient power, and the Federal control so effective that for the years 1868-1874 the will of black labor was powerful; and so far as it was intelligently led, and had definite goals, it took perceptible steps toward public education, confiscation of large incomes, betterment of labor conditions, universal suffrage, and in some cases distribution of land to the peasant.---
W.E.B. DuBois

Corporal Jackson Cherry, Company I, 35th Regiment, United States Colored Troops, 1865
http://www.digitalhistory.uh.edu/black_voices/voices_display.cfm?id=79

We have been faithful in the field up to the present time, and think that we ought to be considered as men, and allowed a fair chance in the race of life. It has been said that a black man can not make his own living, but give us opportunities and we will show the whites that we will not come to them for any thing, if they do not come to us. We think the colored people have been the making of them, and can make something of ourselves in time. The colored people know how to work, and the whites have been dependent upon them. They can work again, and will work. A white man may talk very well, but put him to work, and what will he say? He will say that hard work is not easy. He will say that it is hard for a man who has owned so many able-bodied Negroes to have the Yankees come and taken them all away.

Thomas Long a former slave and a private in the 1st South Carolina Volunteers, assesses the meaning of black military service during the Civil War, 1870:
http://www.digitalhistory.uh.edu/black_voices/voices_display.cfm?id=78

We can remember, when we fust enlisted, it was hardly safe for we to pass by de camps to Beaufort and back, lest we went in a mob and carried side arms. But we whipped down all dat- - not by going into de white camps for whip um; we didn't tote our bayonets for whip um; but we lived it down by our naturally manhood; and now de white sojers take us by de hand and say Broder Sojer. Dats what dis regiment did for de Epiopian race.

If we hadn't become sojers, all might have gone back as it was before; our freedom might have slipped through de two houses of Congress and President Linkum's four years might have passed by and notin' been done for us. But now tings can neber go back, because we have showed our energy and our courage and our naturally manhood. Source: Thomas Wentworth Higginson, *Army Life in a Black Regiment* (Boston, 1870).

Excerpts from the Testimony of Harry McMillan before the American Freedmen's Inquiry Commission, [June 1863]: <http://www.history.umd.edu/Freedmen/mcmilln.htm>

Testimony of Harry McMillan. (colored)

Harry McMillan testified—

I am about 40 years of age, and was born in Georgia but came to Beaufort when a small boy. I was owned by General Eustis and lived upon his plantation . . .

. . . Q What is your idea respecting the treatment of your people by the government—are they not to be taken care of?

Q. Do the colored people like to go to Church?

A. Yes, sir; they are fond of that; they sing psalms, put up prayers, and sing their religious songs.

Q. Did your masters ever see you learning to read?

A. No, sir; you could not let your masters see you read; but now the colored people are fond of sending their children to school.

Q. What is the reason of that?

A. Because the children in after years will be able to tell us ignorant ones how to do for ourselves. . . .

. . . Q. Have they any idea of the government of the United States?

A. Yes, sir; they know if the government was not kind to them they could not keep their liberty. When the war began a great many of us believed that the government could not conquer our masters because our masters fooled us. They told us we must fight the Yankees who intended to catch us and sell us to Cuba to pay the expenses of the war. I did not believe it, but a great many did.

Q. What would the colored people like the government to do for them here?

A. They would like to have land—4 or 5 acres to a family.

Q. How many here could manage and take care of land?

A. A good many. I could take care of 15 acres and would not ask them to do any more for me.

Q. Suppose the government were to give you land, how long would you take to pay for it—five years?

A. I would not take five years; in two years I would pay every cent. The people here would rather have the land than work for wages. I think it would be better to sort out the men and give land to those who have the faculty of supporting their families. Every able bodied man can take care of himself if he has a mind to, but there are bad men who have not the heart or will to do it.

Q. Do you think the colored people would like better to have this land divided among themselves and live here alone, or must they have white people to govern them?

A. They are obliged to have white people to administer the law; the black people have a good deal of sense but they do not know the law. If the government keep the masters away altogether it would not do to leave the colored men here alone; some white men must be here not as masters, but we must take the law by their word and if we do not we must be punished. If you take all the white men away we are nothing. Probably with the children that are coming up no white men will not be needed. They are learning to read and write— some are learning lawyer, some are learning doctor, and some learn minister; and reading books and newspapers they can understand the law; but the old generation cannot understand it. It makes no difference how sensible they are, they are blind and it wants white men for the present to direct them. After five years they will take care of themselves; this generation cannot do it.

Q. Do you think the colored men are willing to fight for their liberty?

A. Yes, sir; if the government will protect them and give them a chance; but they must have white officers.

Q. Suppose the government protect the colored men against their masters and sell the land, half to the colored, and half to the white, what would be the effect—would not the colored man sell his land to the white man.

A. I think he might; some of them are lazy and they do not understand how to take care of themselves against the white man; it is necessary to have some one here to do justice to both parties.

Q. Would the colored men like to go back to Africa?

A. No, sir; there is no disposition to go back, they would rather stay where they are. . . .

White Yeoman Farmers (small farmers) Millions

White yeoman farmers (who cultivated their own small plots of land) suffered devastating losses. Before the Civil War, many yeomen had concentrated on raising food crops and instead of cash crops like cotton. After the war these farmers found themselves deep in debt, often with buildings destroyed and lands untended. Their plight was magnified by a series of crop failures in early Reconstruction years. Needing to borrow money to resume planting, many fell deeper into debt – debt that only increased with each successive cotton crop failure.

The South's postwar economic transformation also affected the position of the white yeomanry. Wartime devastation set in motion a train of events that permanently altered their previous self-sufficient way of life. Plunged into poverty by the war, many yeomen in up-country areas saw their plight exacerbated by successive crop failures in early Reconstruction. In the face of this economic disaster, yeomen clung tenaciously to their farms. But needing to borrow money for the seed, implements, and livestock required to resume farming, many fell into debt and were forced to take up the growing of cotton, a process accelerated as new railroads linked yeomen areas to the national market. By the mid-1870s, white farmers, who cultivated only one-tenth of the South's cotton crop in 1860, were growing 40 percent of the crop, and a region in which a majority of small farmers had once owned their land was increasingly trapped in a cycle of tenancy and cotton overproduction, and unable to feed itself.

http://college.cengage.com/history/us/berkin/history_handbook/1e/students/activities/rc_074102_iieconomican.html

ERIC FONER, HISTORIAN: "There's a kind of liberation going on for many poor whites, particularly in those areas that have not supported the Confederacy, who suddenly feel that they're liberated as well, from the rule of these "rebels" (as they called them). And they're holding their own meetings. And they're debating about forming alliances with blacks, and what kind of alliances should there be, and what kind of cooperation?"

The Life and Death of *Plain Folk* in Georgia's Piney Woods (review of a book)

Georgia farmer James Fraser joined the Confederate Army during the first exciting weeks of the Civil War. He served zealously in the 8th Georgia until the summer of 1862 when a particularly severe battle cost his regiment seventy-six casualties and Fraser his right leg. Forced to return to his home in south central Georgia, Fraser no longer had to contend with Yankees on the battlefield, but with life as an invalid in a yeoman society. A burden to family and friends, he spent the rest of his years teaching some school and expressing his bitterness. A tyrant to his family, by 1875 authorities charged him with the murder of a man who had the temerity to take care of Fraser's stepchildren. Clearly, resentment over his injury, combined with a feeling that his neighbors did not honor his wartime service, had made Fraser an "intensely angry and violent man" (p. 236). Though many soldiers experienced a less traumatic homecoming in the piney woods of Georgia, Mark V. Wetherington's fine study *Plain Folk's Fight* is at its best when it examines the culture and ideology of men and women like James Fraser.

Plain Folk's Fight explores in a sophisticated manner such broad issues as nationalism, race and gender relations, and economic change through what now is a rather traditional approach--regional social history. The "wiregrass country" or piney woods section of Georgia, defined by Wetherington as the lower Ocmulgee River region below Macon, offers a useful case study for such an analysis because it has been overlooked by historians and, as an area dominated by yeoman farmers, offers clues about the lives of more typical white Georgians who supported the

Confederacy and helped bring Reconstruction to an end. After reading virtually every primary source available on the region, Wetherington emphasizes that the society these white plain folk created was complex. Though few owned slaves and many even resented the influence of the planter class, their "race consciousness" led them to support the planter class in war and peace (p. 2). This support for slavery fit neatly within an ideology that prized overlapping commitments to economic independence, honor, and, above all, manhood. Influenced by the work of Steven Hahn, Stephanie McCurry, and Stephen Ash, Wetherington's conclusions downplay the significance of class divisions in the Georgia piney woods. Rather, the men, and sometimes the women, of the plain folk are described as historical agents beholden to no single group, be they planters, politicians, or Yankees, but consumed with protecting their privileges as white citizens in a yeoman society. This collective struggle led them to support the Confederacy and fight to overthrow Reconstruction, but, as Wetherington concludes, their effort left an ambiguous legacy in a postwar South where economic change, rather than any political revolution, mattered most.

Wetherington's study follows a rough chronological organization. The early chapters detail the settlement of the piney woods by white settlers in the early nineteenth century. This analysis of the religious, economic, and cultural lives of these farm families highlights their consuming drive for independence that is often reflected in their apparent alienation from the planter class that dominated the black belt counties surrounding the piney woods. Indeed as Wetherington's thorough research makes clear, planters dominated most of the counties *within* this presumed yeoman land. Often marginalized culturally and embattled economically, the sense of honor and masculinity (i.e., patriarchy) that bound the men in these plain folk families together often led them to defer to their planter neighbors. Thus it is no surprise when Wetherington concludes that what united yeoman secessionists during the tumult of 1861 "was not a fear of planter power in the South ... but their overriding fears of Yankee domination, Southern submission, and what this meant to their concept of honor and masculinity" (p. 70).

Wetherington's analysis of piney woods Georgia during Reconstruction is quite effective. In several powerful passages he illustrates the devastating toll the war had on white families. As always, women and children in particular seem to have suffered most by the death or injuries war inflicted upon these families. In general those living within the white belt region of the wiregrass maintained their economic independence better than most plain folk in the area's black belt. Wetherington attributes this relative success to the yeoman farmers' dedication to "self-sufficiency and republican simplicity" that kept them out of a tempestuous market economy (p. 246). While negotiating between a traditional "moral economy" and an expanding market economy, most of these same plain folk sought the overthrow of Reconstruction. Adopting violent tactics against the freedmen and their allies in their defense of white patriarchy, piney woods plain folk successfully challenged the legitimacy of Georgia's Reconstruction government. According to Wetherington, however, their victory proved short-lived. For even as ex-Confederate soldiers rallied to defeat the cause of the freedmen, they themselves were losing control of their land to northern lumber companies. Assisted by New South businessmen, the Georgia Land and Lumber Company, incorporated in New York, purchased "dubious" titles to over 300,000 acres of pineland in the wiregrass region. Though protested by an ever dwindling number of yeoman farmers, "rangeland disappeared, cotton production expanded, and white tenancy increased" (p. 305).

Former Confederate Soldiers Majority of Southern White Males

"I wrote you about my disgust at reading the Reunion speeches: It has since been increased by reading Christians report. I am certainly glad I wasn't there. According to Christian the Virginia people were the abolitionists & the Northern people were pro-slavery. He says slavery was "a patriarchal" institution – So were polygamy & circumcision. Ask Hugh if he has been circumcised. Christian quotes what the Old Virginians – said against slavery. True; but why didn't he quote what the modern Virginians said in favor of it – Mason, Hunter, Wise &c. Why didn't he state that a Virginia Senator (Mason) was the author of the Fugitive Slave law – & why didn't he quote The Virginia Code (1860) that made it a crime to speak against slavery, or to teach a negro to read the Lord's prayer. Now while I think as badly of slavery as Horace Greeley did I am not ashamed that my family were slaveholders. It was our inheritance – Neither am I ashamed that my ancestors were pirates & cattle thieves. People must be judged by the standard of their own age. If it was right to own slaves as property it was right to fight for it. The South went to war on account of Slavery. South Carolina went to war – as she said in her Secession proclamation – because slavery wd. not be secure under Lincoln. South Carolina ought to know what was the cause for her seceding. . . . I am not ashamed of having fought on the side of slavery – a soldier fights for his country – right or wrong – he is not responsible for the political merits of the cause he fights in. The South was my country." Mosby, John S. (1833-1916) to Sam Chapman

Alexander Stephens on Reconstruction April 11 1866

The Joint Committee on Reconstruction heard a great deal of testimony on conditions and attitudes in the South. On April 11, the former Vice-President of the Confederacy appeared to testify. Stephens made these comments in answer to the question posed by the ardent Radical George S. Boutwell, whether Georgia would accept restoration to the Union either on the basis of granting suffrage to Negroes or accepting a diminution in her representation in Congress proportionate to the number of those to whom suffrage was denied. These were, of course, the terms of the Fourteenth Amendment which had recently passed Congress and stood before the states for ratification.

"I think the people of the State would be unwilling do more than they have done for restoration. Restricted to limited suffrage would not be so objectionable as general or universal. But it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a propose system of restricted or limited suffrage to this class our population. . . . The only view in their opinion that could possibly justify the war that was carried on by the federal government against them was the idea of the indisolubleness of the Union; that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the Constitution. . . . They expected as soon as the confederate cause was abandoned that immediately the States would be brought back into their practical relations with the government as previously constituted. That is what they looked to. They expected that the States would immediately have their representatives in the Senate and in the House; and they expected in good faith, as loyal men, as the term is frequently used- loyal to law, order, and the Constitution-to support the government under the Constitution. . . . Towards the Constitution of the United States the great mass of our people were always as much devoted in their feelings as any people ever were towards any laws or people . they resorted to secession with a view of more securely maintaining these principles. And when they found they were not successful in their object in perfect good faith, as far as I

can judge from meeting with them and conversing with them, looking to the future development of their country . . . their earnest desire and expectation was to allow the past struggle . . . to pass by and to co-operate with . . . those of all sections who earnestly desire the preservation of constitutional liberty and the perpetuation of the government in its purity. They have been . . . disappointed in this, and are . . . patiently waiting, however, and believing that when the passions of the hour have passed away this delay in representation will cease. .

My own opinion is, that these terms ought not to be offered as conditions precedent. . . . It would be best for the peace, harmony, and prosperity of the whole country that there should be an immediate restoration, an immediate bringing back of the States into their original practical relations; and let all these questions then be discussed in common council. Then the representatives from the south could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. . . .

My judgment, therefore, is very decided, that it would have been better as soon as the lamentable conflict was over, when the people of the south abandoned their cause and agreed to accept the issue, desiring as they do to resume their places for the future in the Union, and to look to the arena of reason and justice for the protection of their rights in the Union-it would have been better to have allowed that result to take place, to follow under the policy adopted by the administration, than to delay or hinder it by propositions to amend the Constitution in respect to suffrage. . . . I think the people of all the southern States would in the halls of Congress discuss these questions calmly and deliberately. and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly . yield to whatever should be constitutionally determined in common council. But I think they feel very sensitively the offer to them of propositions to accept while they are denied all voice . . . in the discussion of these propositions. I think they feel very sensitively that they are denied the right to be heard."

KKK Member

Minority of whites in the South

Notice

To Jeems, Davie. you. must. be, a good boy. and. Quit. hunting on Sunday and shooting your gun in the night. you keep people from sleeping. I live in a big rock above the Ford of the Creek. I went from Lincoln County County [*sic*] during the War I was Killed at Manassus in 1861. I am here now as a Locust in the day Time and. at night I am a Ku Klux sent here to look after you and all the rest of the radicals and make you know your place. I have got my eye on you every day, I am at the Ford of the creek every evening From Sundown till dark I want to meet you there next Saturday tell platt Madison we have, a Box. For him and you. We nail all, radicals up in Boxes and send them away to KKK - there is. 200 000 ded men retured to this country to make you and all the rest of the radicals good Democrats and vote right with the white people

Black Freedman

Oliver O. Howard (1830–1909)

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W.E.B. DuBois

Corporal Jackson Cherry Appeals for Equal Opportunity for Former Slaves, 1865

"We have been faithful in the field up to the present time, and think that we ought to be considered as men, and allowed a fair chance in the race of life. It has been said that a black man can not make his own living, but give us opportunities and we will show the whites that we will not come to them for any thing, if they do not come to us. We think the colored people have been the making of them, and can make something of ourselves in time. The colored people know how to work, and the whites have been dependent upon them. They can work again, and will work. A white man may talk very well, but put him to work, and what will he say? He will say that hard work is not easy. He will say that it is hard for a man who has owned so many able-bodied Negroes to have the Yankees come and taken them all away." --
Corporal Jackson Cherry, Company I, 35th Regiment, United States Colored Troops

Black Politicians

Before the Civil War began, African Americans had only been able to vote in a few northern states, and there were virtually no black officeholders. The months after the Union victory in April 1865 saw extensive mobilization within the black community, with meetings, parades and petitions calling for legal and political rights, including the all-important right to vote. During the first two years of Reconstruction, blacks organized Equal Rights Leagues throughout the South and held state and local conventions to protest discriminatory treatment and demand suffrage, as well as equality before the law. These African American activists bitterly opposed the Reconstruction policies of President Andrew Johnson, which excluded blacks from southern politics and allowed state legislatures to pass restrictive "black codes" regulating the lives of the freed men and women. Fierce resistance to these discriminatory laws, as well as growing opposition to Johnson's policies in the North, led to a Republican victory in the U.S. congressional elections of 1866. www.history.com/topics/african-american-leaders-during-reconstruction

During the decade known as Radical Reconstruction (1867-77), Congress granted African American men the status and rights of citizenship, including the right to vote, as guaranteed by the 14th and 15th Amendments to the U.S. Constitution. Beginning in 1867, branches of the Union League, which encouraged the political activism of African Americans, spread throughout the South. During the state constitutional conventions held in 1867-69, blacks and white Americans stood side by side for the first time in political life.

Many black leaders during Reconstruction had gained their freedom before the Civil War (by self-purchase or through the will of a deceased owner), had worked as skilled slave artisans or had served in the Union Army. A large number of black political leaders came from the church, having worked as ministers during slavery or in the early years of Reconstruction, when the church served as the center of the black community. The background of these politicians was typical of the leaders that emerged during Reconstruction, but differed greatly from that of the majority of the African American population.

Hiram Revels (1822-1901)

Revels, a clergyman, became one of the two black senators from Mississippi during Reconstruction.

Born a free man in Kentucky, Revels was of black and Indian ancestry. He first worked as a barber but then attended Knox College in Illinois and became a minister of the African Methodist Church.

He organized two black regiments in Maryland during the Civil War and then traveled widely in the South promoting religion and education for blacks. He was first elected an alderman in Natchez, Mississippi, despite his concern about mixing religion and politics. Many whites as well as blacks liked him, and he was elected to take Jefferson Davis's seat in the Senate. During his brief term he supported the moderate Republicans and not the radicals.

He later came under white Democratic influence and joined in the overthrow of Republican Reconstruction in 1875. Quiet and mild-mannered, he disliked political conflict.

Quote: "The colored members, after consulting together on the subject, agreed to give their influence and votes for one of their own race, as it would in their judgment be a weakening blow against color line prejudice, and they unanimously elected me for their nominee....Some of the Democracy favored it because they thought it would seriously damage the Republican party." (1884)

REFERENCE: Julius Thompson, *Hiram R. Revels, 1827-1901: A Biography* (1973).

Blanche K. Bruce (1841-1898) was the first African American to serve a full term as a United States Senator. In February 1874, the Mississippi legislature elected Bruce to the U.S. Senate. Bruce focused on a number of state and national issues including the construction of levees along the Mississippi River, the development of a more humane and equitable federal Indian policy and the desegregation of the United States Army. However one of his most memorable addresses in Congress occurred in March 1876 when he called for a Senate investigation of the racial and political violence that marked the Mississippi gubernatorial election of 1875.

Blanche K. Bruce Speech in the Senate March 31 1876

"The evidence in hand and accessible will show beyond peradventure that in many parts of the State corrupt and violent influences were brought to bear upon the registrars of voters, thus materially affecting the character of the voting or poll lists; upon the inspectors of election, prejudicially and unfairly thereby changing the number of votes cast; and, finally, threats and violence were practiced directly upon the masses of voters in such measures and strength as to produce grave apprehensions for their personal safety and as to deter them from the exercise of their political franchises.

It will not accord with the laws of nature or history to brand colored people a race of cowards. On more than one historic field, beginning in 1776 and coming down to this centennial year of the Republic, they have attested in blood their courage as well as a love of liberty - I ask Senators to believe that no consideration of fear or personal danger has kept us quiet and forbearing under the provocations and wrongs that have so sorely tried our souls. But feeling kindly toward our white fellow-citizens, appreciating the good purposes and politics of the better classes, and, above all, abhorring a war of races, we determined to wait until such time as an appeal to the good sense and justice of the American people could be made."

EQUALITY BEFORE THE LAW

by John Mercer Langston

"MR. PRESIDENT AND FRIENDS: I thank you for the invitation which brings me before you at this time, to address you upon this most interesting occasion. I am not unmindful of the fact that I stand in the presence of instructors, eminently distinguished for the work which they have done in the cause of truth and humanity. Oberlin was a pioneer in the labor of abolition.¹ [[Click for footnote](#)] It is foremost in the work of bringing about equality of the Negro before the law. Thirty years ago on the first day of last March, it was my good fortune, a boy seeking an education, to see Oberlin for the first time. Here I discovered at once that I breathed a new atmosphere. Though poor, and a colored boy, I found no distinction made against me in your hotel, in your institution of learning, in your family circle. I come here today with a heart full of gratitude to say to you in this public way that I not only thank you for what you did for me individually, but for what you did for the cause whose success makes this day the colored American a citizen sustained in all the rights, privileges and immunities of American citizenship.

Mr. President, within less than a quarter of a century, within the last fifteen years, the colored American has been raised from the condition of four footed beasts and creeping things to the level of enfranchised manhood. Within this period the slave oligarchy of the land has been overthrown, and the nation itself emancipated from its barbarous rule. The compromise measures of 1850, including the Fugitive Slave law, together with the whole body of law enacted in the interest of slavery, then accepted as finalities, and the power of leading political parties pledged to their maintenance have, with those parties, been utterly nullified and destroyed. In their stead we have a purified Constitution and legislation no longer construed and enforced to sanction and support inhumanity and crime, but to sustain and perpetuate the freedom and the rights of us all."

<http://www.oberlin.edu/external/EOG/LangstonSpeeches/equality.htm>

Radical Republicans (Charles Sumner and Thaddeus Stevens) Minority of Republicans (the dominant party) in Congress

Excerpt "The question at issue is one of the vastest ever presented for practical decision, involving the name & weal of this Republic at home & abroad. It is not a military question; it is a question of statesmanship. We are to secure by counsel what was won by the war. Failure now will make the war itself a failure, surrender now will undo all our victories. Let the President prevail, & straightway the plighted faith of the Republic will be broken; – the national creditor & the national freedman will be sacrificed; – the Rebellion itself will flaunt its insulting power; – the whole country in its length & breadth will be disturbed; – & the rebel region will be handed over to misrule & anarchy." –*Charles Sumner on Reconstruction, 1866*

Every state that seceded from the United States was a Democratic State....Every man that shot Union soldiers was a Democrat. Every man that loved slavery better than liberty was a Democrat. The man that assassinated Abraham Lincoln was a Democrat....Every man that raised bloodhounds to pursue human beings was a Democrat. Every man that clutched from shrieking, shuddering, crouching mothers, babes from their breasts, and sold them into slavery, was a Democrat. ---*Robert G. Ingersoll, 1876*

"We hold it to be the duty of the government to inflict condign punishment on the rebel belligerents, and so weaken their hands that they can never again endanger the Union; and so reform their municipal institutions as to make them republican in spirit as well as in name....

We propose to confiscate all the estate of every rebel belligerent whose estate was worth \$10,000 or whose land exceeded two hundred acres in quantity....By thus forfeiting the estates of the leading rebels, the Government would have 394,000,000 of acres....Give if you please forty acres to each adult male freedman. Suppose there are one million of them. That would require 40,000,000 of acres....

The whole fabric of southern society must be changed....How can republican institutions, free schools, free churches, free social intercourse exist in a mingled community of nabobs and serfs; of the owners of twenty thousand acre manors with lordly palaces, and the occupants of narrow huts inhabited by "low white trash?"....

The property of the rebels shall pay our national debt, and indemnify freedmen and loyal sufferers."

–*Representative Thaddeus Stevens of Pennsylvania, 1865, on the radical program for Reconstruction*

First Reconstruction Act, 1867, the radical program

"Be it enacted, That said rebel States shall be divided into military districts and made subject to the military authority of the United States...That it shall be the duty of each officer...to protect all persons in their rights of persons and property, to suppress insurrection, disorder, and violence, or cause to be punished, all disturbers of the public peace and criminals...."

Thaddeus Stevens speech of December 18 1865

"The President assumes, what no one doubts, that the late rebel States have lost their constitutional relations to the Union, and are incapable of representation in Congress, except by permission of the Government. It matters but little, with this admission, whether you call them States out of the Union, and now conquered territories, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so until the Government shall breathe into them the breath of life anew and permit them to occupy their former position. In other words, that they are not out of the Union, but are only dead carcasses lying within the Union. In either case, it is very plain that it requires the action of Congress to enable them to form a State government and send representatives to Congress. Nobody, I believe, pretends that with their old constitutions and frames of government they can be permitted to claim their old rights under the Constitution. They have torn their constitutional States into atoms, and built on their foundations fabrics of a totally different character. Dead men cannot raise themselves. Dead States cannot restore their existence *"as it was."* Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only executes and cannot make laws. Not in the Commander-in-Chief of the armies, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law. Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new states or remain as conquered provinces. Congress . . . is the only power that can act in the matter.

Congress alone can do it. . . . Congress must create States and declare when they are entitled to be represented. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence, and citizenship; and whether the election and returns are according to law. ...

It is obvious from all this that the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them. Since the conquest they have been governed by martial law. Military rule is necessarily despotic, and ought not to exist longer than is absolutely necessary. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial governments. There they can learn the principles of freedom and eat the fruit of foul rebellion. Under such governments, while electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the conqueror to practice justice to all men, and accustom themselves to make and obey equal laws. .

They ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended; and so as to secure perpetual ascendancy to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis of representation among the States from Federal numbers to actual voters. . . . With the basis unchanged the 83 Southern members, with the Democrats that will in the best times be elected from the North, will always give a majority in Congress and in the Electoral college. . . . I need not depict the ruin that would follow. . .

But this is not all that we ought to do before inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the common laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage."

Southern Democrat

After the Civil War, many white Southerners opposed Radical Reconstruction and the Republican Party's support of black civil and political rights.

The Democratic Party identified itself as the "white man's party" and demonized the Republican Party as being "Negro dominated," even though whites were in control. Determined to re-capture the South, Southern Democrats "redeemed" state after state -- sometimes peacefully, other times by fraud and violence. By 1877, when Reconstruction was officially over, the Democratic Party controlled every Southern state.

Excerpts from http://www.pbs.org/wnet/jimcrow/stories_org_democratic.html

Democratic Party Platform of 1868

July 4, 1868

"The Democratic party in National Convention assembled, reposing its trust in the intelligence, patriotism, and discriminating justice of the people; standing upon the Constitution as the foundation and limitation of the powers of the government, and the guarantee of the liberties of the citizen; and recognizing the questions of slavery and secession as having been settled for all time to come by the war, or the voluntary action of the Southern States in Constitutional Conventions assembled, and never to be renewed or reagitated; does, with the return of peace, demand,

First. Immediate restoration of all the States to their rights in the Union, under the Constitution, and of civil government to the American people.

Second. Amnesty for all past political offenses, and the regulation of the elective franchise in the States, by their citizens.

Third. Payment of the public debt of the United States as rapidly as practicable. All moneys drawn from the people by taxation, except so much as is requisite for the necessities of the government, economically administered, being honestly applied to such payment, and where the obligations of the government do not expressly state upon their face, or the law under which they were issued does not provide, that they shall be paid in coin, they ought, in right and in justice, to be paid in the lawful money of the United States.

Fourth. Equal taxation of every species of property, according to its real value, including government bonds and other public securities.

Fifth. One currency for the government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bond-holder.

Sixth. Economy in the administration of the government, the reduction of the standing army and navy; the abolition of the Freedmen's Bureau; and all political instrumentalities designed to secure negro supremacy; simplification of the system and discontinuance of inquisitorial modes of assessing and collecting internal revenue, so that the burden of taxation may be equalized and lessened, the credit of the government and the currency made good; the repeal of all enactments for enrolling the State militia into national forces in time of peace; and a tariff for revenue upon foreign imports, such as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon, and best promote and encourage the great industrial interests of the country.

Seventh. Reform of abuses in the administration; the expulsion of corrupt men from office; the abrogation of useless offices; the restoration of rightful authority to, and the independence of the executive and judicial departments of the government; the subordination of the military to the civil power, to the end that the usurpations of Congress and the despotism of the sword may cease.

Eighth. Equal rights and protection for naturalized and native-born citizens at home and abroad; the assertion of American nationality, which shall command the respect of foreign powers, and furnish an example and encouragement to people struggling for national integrity, constitutional liberty, and individual rights, and the maintenance of the rights of naturalized citizens against the absolute doctrine of immutable allegiance and the claims of foreign powers to punish them for alleged crimes committed beyond their jurisdiction.

In demanding these measures and reforms we arraign the Radical party for its disregard of right, and the unparalleled oppression and tyranny which have marked its career.

Instead of restoring the Union, it has, so far as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy.

It has nullified there the right of trial by jury; it has abolished the habeas corpus, that most sacred writ of liberty; it has overthrown the freedom of speech and of the press; it has substituted arbitrary seizures and arrests, and military trials and secret star-chamber inquisitions, for the constitutional tribunals; it has disregarded in time of peace the right of the people to be free from searches and seizures; it has entered the post and telegraph offices, and even the private rooms of individuals, and seized their private papers and letters without any specific charge or notice of affidavit, as required by the organic law; it has converted the American capitol into a Bastille; it has established a system of spies and official espionage to which no constitutional monarchy of Europe would now dare to resort; it has abolished the right of appeal, on important constitutional questions, to the Supreme Judicial tribunal, and threatens to curtail, or destroy, its original jurisdiction, which is irrevocably vested by the Constitution; while the learned Chief Justice has been subjected to the most atrocious calumnies, merely because he would not prostitute his high office to the support of the false and partisan charges preferred against the President. Its corruption and extravagance have exceeded anything known in history, and by its frauds and monopolies it has nearly doubled the burden of the debt created by the war; it has stripped the President of his constitutional power of appointment, even of his own Cabinet. Under its repeated assaults the pillars of the government are rocking on their base, and should it succeed in November next and inaugurate its President, we will meet, as a subjected and conquered people, amid the ruins of liberty and the scattered fragments of the Constitution.

That the public lands should be distributed as widely as possible among the people, and should be disposed of either under the pre-emption or homestead laws, or sold in reasonable quantities, and to none but actual occupants, at the minimum price established by the government. When grants of the public lands may be deemed necessary for the encouragement of important public improvements, the proceeds of the sale of such lands, and not the lands themselves, should be so applied.

That the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the Constitutional rights of the States and the people, is entitled to the gratitude of the whole American people; and in behalf of the Democratic party, we tender him our thanks for his patriotic efforts in that regard."

President Johnson

The predominantly Republican Washington press corps had at first embraced President Johnson, assuring their readers that he supported black suffrage and other Radical measures. Forney celebrated his old friend as a "practical statesman" whose policies offered a common ground for "all earnest loyalists." Whatever honeymoon the new president enjoyed with Congress and the press ended in February 1866 when Johnson vetoed the Freedmen's Bureau bill. The veto shocked Republican conservatives and drove them into alliance with the Radicals against the president. The press and even Forney deserted Johnson. That fall, Johnson conducted a disastrous "swing around the circle," campaigning by train in favor of congressional candidates who supported his policies. Egged on by hecklers, he made intemperate remarks that further alienated the voters and resulted in the election of an even more hostile Congress. The new Congress seized the initiative on Reconstruction from the president—most notably with a constitutional amendment giving the freedmen the right to vote—and passed legislation to limit his responses. Among these laws, the Tenure of Office Act prohibited the president from firing cabinet officers and other appointees without Senate approval. Johnson considered the act unconstitutional—as indeed the Supreme Court would later declare it—and in February 1868 he fired his secretary of war, Edwin Stanton, for insubordination.

http://www.senate.gov/artandhistory/history/common/generic/VP_Andrew_Johnson.htm

President Johnson's veto of the radical program

"The power...given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law....It reduces the whole population of the ten states--all persons, of every color, sex, and condition, and every stranger within their limits--to the most abject and degrading slavery."

Cleveland speech, September 3, 1866

And let me say tonight^{note} that my head has been threatened. It has been said that my blood was to be shed. Let me say to those who are still willing to sacrifice my life [derisive laughter and cheers], if you want a victim and my country requires it, erect your altar, and the individual who addresses you tonight, while here a visitor, [*"No," "No," and laughter,*] erect your altar if you still thirst for blood, and if you want it, take out the individual who now addresses you and lay him upon your altar, and the blood that now courses his veins and warms his existence shall be poured out as a last libation to Freedom. I love my country, and I defy any man to put his finger upon anything to the contrary. Then what is my offence? [*Voices, "You ain't a radical," "New Orleans," "Veto."*] Somebody says "Veto." Veto of what? What is called the Freedmen's Bureau bill, and in fine, not to go into any argument here tonight, if you do not understand what the Freedmen's Bureau bill is, I can tell you. [*Voice, "Tell us."*] Before the rebellion there were 4,000,000 called colored persons held as slaves by about 340,000 people living in the South. That is, 340,000 slave owners paid expenses, bought land, and worked the negroes, and at the expiration of the year when cotton, tobacco, and rice were gathered and sold, after all paying expenses, these slave owners put the money in their pockets- [slight interruption]-your attention-they put the property in their pocket. In many instances there was no profit, and many came out in debt. Well that is the way things stood before the rebellion. The rebellion commenced and the slaves were turned loose. Then we come to the Freedmen's Bureau bill. And what did the bill propose? It proposed to appoint agents and sub-agents in all the cities, counties, school districts, and parishes, with power to make contracts for all the slaves, power to control, and power to hire them out-dispose of them, and in addition to that the whole military power of the government applied to carry it into execution.

Now to the Freedmen's Bureau. What was it? Four million slaves were emancipated and given an equal chance and fair start to make their own support-to work and produce; and having worked and produced,

to have their own property and apply it to their own support. But the Freedmen's Bureau comes and says we must take charge of these 4,000,000 slaves. The bureau comes along and proposes, at an expense of a fraction less than \$12,000,000 a year, to take charge of these slaves. You had already expended \$3,000,000,000 to set them free and give them a fair opportunity to take care of themselves -then these gentlemen, who are such great friends of the people, tell us they must be taxed \$12,000,000 to sustain the Freedmen's Bureau. [*Great confusion.*] I would rather speak to 500 men that would give me their attention than to 100,000 that would not. [*With all this mass of patronage he said he could have declared himself dictator.*]

But, gentlemen, I came into power under the Constitution of the country and by the approbation of the people. And what did I find? I found eight millions of people who were in fact condemned under the law and the penalty was death. Under the idea of revenge and resentment, they were to be annihilated and destroyed. Oh, how different this from the example set by the holy Founder of our religion, whose divine arm touches the horizon and embraces the whole earth! Yes, He who founded this great scheme came into the world and found our race condemned under the law and the sentence was death. What was His example? Instead of putting the world or a nation to death, He went forth with grace and attested by His blood and His wounds that He would die and let the nation live. (Applause.) Let them become loyal and willing supporters and defenders of our glorious Stripes and Stars and the Constitution of our country. *Let their leaders, the conscious, intelligent traitors, suffer the penalty of the law*, but for the great mass who have been forced into this rebellion and misled by their leaders, I say *leniency, kindness, trust, and confidence*. (Enthusiastic cheers.)

We find that, in fact, by an irresponsible central directory, nearly all the powers of Government are assumed without even consulting the legislative or executive departments of the Government.

I am free to say to you, as your Executive, that *I am not prepared to take any such position*. I said in the Senate, at the very inception of the rebellion, that States had no right to go out and that they had no power to go out. That question has been settled. And I cannot turn round now and give the direct lie to all I profess to have done in the last five years. (Laughter and applause.) I can do no such thing. I say that when these States comply with the Constitution, when they have given sufficient evidence of their loyalty, and that they can be trusted, when they yield obedience to the law, I say, *extend to them the right hand of fellowship*, and let peace and union be restored. (Loud cheers.) I have fought traitors and treason in the South; I opposed the Davises and Toombses, the Slidells, and a long list of others whose names I need not repeat; and now, when I turn round at the other end of the line, I find men I care not by what name you call them (A voice "Call them traitors") who still stand opposed to the restoration of the Union of these States. And I am free to say to you that I am still for the restoration of this Union; I am still in favor of this great Government of ours going on and following out its destiny. (A voice "Give us the names.")

So far as this Government is concerned, let me say one word in reference to the amendments to the Constitution of the United States. When I reached Washington for the purpose of being inaugurated as Vice-President of the United States I had a conversation with Mr. Lincoln. We were talking about the condition of affairs and in reference to matters in my own State. I said that we had called a convention, had amended our Constitution by abolishing slavery in the State a State not embraced in his proclamation. All this met his approbation and gave him encouragement, and in talking upon the amendment to the Constitution, he said: "When the amendment to the Constitution is adopted by three-fourths of the States, we shall have all, or pretty nearly all. I am in favor of amending the Constitution, if there was one other adopted." Said I, "What is that, Mr. President?" Said he, "I have labored to preserve this Union. I have toiled four years; I have been subjected to calumny and misrepresentation, yet my great desire has been to preserve the Union of these States intact under the Constitution as they were before." "But," said I, "Mr. President, what amendment do you refer to?" He said he thought there should be an amendment to the Constitution which would compel all the States to send their Senators and Representatives to the Congress of the United States. Yes, compel them. The idea was in his mind that it was a part of the doctrine of secession to break up the Government by States withdrawing their Senators and Representatives from Congress; and, therefore, he desired a Constitutional amendment to compel them to be sent.

Source: *Andrew Johnson, His Life and Speeches* by Lillian Foster, New York: Richardson & Co., 1866.

Civil Rights Legislation during Reconstruction

First Reconstruction Act

March 2, 1867

An Act to provide for the more efficient Government of the Rebel States

WHEREAS no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore,

Be it enacted . . . , That said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

SECTION 2. And be it further enacted, That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SECTION 3. And be it further enacted, That it shall be the duty of each officer assigned as aforesaid, to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, and all interference under color of State authority with the exercise of military authority under this act, shall be null and void.

SECTION 4. And be it further enacted, That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted, and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: Provided, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

SECTION 5. And be it further enacted, That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as article

fourteen and when said article shall have become a part of the Constitution of the United States said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any person vote for members of such convention.

SECTION 6. And be it further enacted, That, until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist there in shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote, under the provisions of the fifth section of this act; and no persons shall be eligible to any office under any such provisional government who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

Source: *United States Statutes at Large*, XIV, 428-29; XV, 2-4, 14-16, 41, reprinted in Robert W. Johannsen, *Reconstruction, 1865-1877* (New York: Free Press, 1970), pages 89-92.

Civil Rights Act of 1866, 14 Stat. 27 (1866).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 6. And be it further enacted, That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act... [shall] be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months....

Civil Rights Act of 1870 (The Enforcement Act), 16 Stat. 140 (1870).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election... shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude...

SEC. 2. And be it further enacted, That it shall be the duty of every person and officer to give to all citizens of the United States the same and equal opportunity to perform [any] prerequisite, and to become qualified to vote without distinction of race, color, or previous condition of servitude; and if any person or officer shall refuse or knowingly omit to give full effect to this section, he shall... be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 6. And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, -the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years, - and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

SEC. 17. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by the last preceding section [giving all persons the same rights as white citizens] of this act, or to different punishment, pains, or penalties on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Civil Rights Act of 1871, 17 Stat. 13 (1871).

SEC. 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to levy war against the United States, or to oppose by force the authority of the government of the United States, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, or by force, intimidation, or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, or from discharging the duties thereof, or by force, intimidation, or threat to induce any officer of the United States to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or to injure his person while engaged in the lawful discharge of the duties of his office, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duty, or by force, intimidation, or threat to deter any party or witness in any court of the United States from attending such court, or from testifying in any matter pending in such court fully, freely, and truthfully, or to injure

any such party or witness in his person or property on account of his having so attended or testified, or by force, intimidation, or threat to influence the verdict, presentment, or indictment, of any juror or grand juror in any court of the United States, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose, either directly or indirectly, of depriving any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons within such State the equal protection of the laws, or shall conspire together for the purpose of in any manner impeding, hindering, obstructing, or defeating the due course of justice in any State or Territory, with intent to deny to any citizen of the United States the due and equal protection of the laws, or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of the laws, or by force, intimidation, or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in a lawful manner towards or in favor of the election of any lawfully qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any such citizen in his person or property on account of such support or advocacy, each and every person so offending shall be deemed guilty of a high crime, and, upon conviction thereof in any district or circuit court of the United States or district or supreme court of any Territory of the United States having jurisdiction of similar offences, shall be punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such fine and imprisonment as the court shall determine....

Civil Rights Act of 1875, 18 Stat. 335 (1875).

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year....

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as a grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not more than five thousand dollars.

[law/addoncases.htm]

CHAPTER 1

THE PROBLEMS OF
RECONSTRUCTION:
ANDREW JOHNSON,
CONGRESS, AND
SOUTHERN
SUFFRAGE

command the country unless overthrown by the Democracy which will take a stand against it and the Rump Cabinet. . . .

If however you were at once to make a new Cabinet drawn from the different sections of the country and representing the various parties in it, yet agreeing to support your plan of reconstruction, on an issue so essential, it would be no matter what party organization returned members, men who gave in this adhesion would become identified with the administration. Their election would be your success and in this epoch of reconstruction would create a new party, embracing the whole Union, adverse to that of Faneuil Hall limited to a northern latitude and exulting in a revolutionary creed. . . .

The vote of the south will be drawn almost as an unit to the side of that party which it finds in opposition to a ministry known to be hostile to its dearest rights in the Union & confederated with the scheme promulgated at Faneuil Hall, which would deprive its *States* of equality as *States*, would create a war of caste & a war of Sections a war of factions breaking up the ancient foundations of the constitution. . . .

11. Johnson to Mississippi Provisional Governor William L. Sharkey,
August 15, 1865.

Governor William L. Sharkey,
Jackson, Miss.

I am gratified to see that you have organized your Convention without difficulty. I hope that without delay your Convention will amend your State Constitution abolishing slavery, and denying to all future legislatures the power to legislate that there is property in man—Also that they will adopt the Amendment to the Constitution of the United States abolishing slavery.

If you could extend the elective franchise to all persons of color who can read the constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two-hundred and fifty dollars and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow.

This you can do with perfect safety, and you thus place the Southern States, in reference to free persons of color, upon the same basis with the Free States. I hope and trust your convention will do this, and as a consequence the Radicals, who are wild upon negro franchise, will be completely foiled in their attempts to keep the Southern States from renewing their relations to the Union by not accepting their Senators and Representatives.

12. Johnson's Interview with George L. Stearns, October 3, 1865.

[Johnson]: We must not be in too much of a hurry; it is better to let them [white southerners] reconstruct themselves than to force them to it; for if they go wrong, the power is in our hands and we can check them at any stage, to the end, and oblige them to correct their errors; we must be patient with them. I did not expect to keep out all who were excluded from the amnesty, or even a large number of them, but I intended they should sue for pardon, and so realize the enormity of the crime they had committed.

You could not have broached the subject of equal suffrage, at the North, seven years ago, and we must remember that the changes at the South have been more rapid, and they have been obliged to accept more unpalatable truth than the North has; we must give them time to digest a part, for we cannot expect such large affairs will be comprehended and digested at once. We must give them time to understand their new position.

I have nothing to conceal in these matters, and have no desire or willingness to take indirect courses to obtain what we want.

Our government is a grand and lofty structure; in searching for its foundation we find it rests on the broad basis of popular rights. The elective franchise is not a natural right, but a political right. I am opposed to giving the States too much power, and also to a great consolidation of power in the central government.

If I interfered with the vote in the rebel States, to dictate that the negro shall vote, I might do the same thing for my own purposes in Pennsylvania. Our only safety lies in allowing each State to control the right of voting by its own laws, and we have the power to control the rebel States if they go wrong. If they rebel we have the army, and can control them by it, and, if necessary by legislation also. If the General Government controls the right to vote in the States, it may establish such rules as will restrict the vote to a small number of persons, and thus create a central despotism.

My position here is different from what it would be if I was in Tennessee.

There I should try to introduce negro suffrage gradually; first those who had served in the army; those who could read and write, and perhaps a property qualification for others, say \$200 or \$250.

It will not do to let the negroes have universal suffrage now. It would breed a war of races.

There was a time in the Southern States when the slaves of large owners looked down upon non-slaveowners because they did not own slaves; the larger the number of slaves their masters owned, the prouder they were, and this has produced hostility between the mass of the whites and the negroes. The outrages are mostly from non-slaveholding whites against the negro, and from the negro upon the non-slaveholding whites.